

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON TALCUM
POWDER PRODUCTS MARKETING,
SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

RAYMOND BAKER, INDIVIDUALLY, AND
AS THE ANTICIPATED PERSONAL
REPRESENTATIVE OF THE ESTATE OF
JENNIFER BAKER, DECEASED,

Plaintiff,

v.

JOHNSON & JOHNSON, JOHNSON &
JOHNSON CONSUMER, INC. f/k/a JOHNSON
& JOHNSON CONSUMER COMPANIES, INC.,
and IMERYS TALC AMERICA, INC.

Defendants.

**MDL No. 16-2738 (FLW) (LHG)
JUDGE FREDA L. WOLFSOHN
MAG. JUDGE LOIS H. GOODMAN**

COMPLAINT AND JURY DEMAND

Civil Action No.: 3:21-cv-13348

DIRECT FILED ACTION

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 filed in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of the individual injured due to the use of talcum powder products: Jennifer Baker.
2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of (state) Alabama.
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: Raymond Baker.
4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: Jennifer Baker, 244 Montgomery Street, Troy, AL 36081.
5. Plaintiff/Decedent was born on 03/28/1966 and died on 10/22/2017.
6. Plaintiff is filing this case in a representative capacity as the Proposed Executor of the Estate, having been duly appointed as the _____ by the Court of _____.

7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

X injury to herself

X injury to the person represented

X wrongful death

X survivorship action

X economic loss

loss of services

loss of consortium

other _____

Identification of Defendants

8. Plaintiff(s)/Decedent Plaintiff (s) is/are suing the following Defendants:

- Johnson & Johnson
- Johnson & Johnson Consumer Inc.
- Imerys Talc America, Inc. (“Imerys Talc”)
- Personal Care Products Council (“PCPC”)

Additional Defendants

- Other Defendant(s) (please specify): _____

JURISDICTION AND VENUE

Jurisdiction

9. Jurisdiction in this Short Form Complaint is based on:

- Diversity of Citizenship
- Other (the basis of any additional grounds for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure): _____.

Venue

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial:

_____United States District Court for the Middle District of Alabama_____

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside(s) in (City, State): Troy, AL
12. At the time of Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State): Troy, AL.
13. The Plaintiff/Decedent was diagnosed with talcum powder product(s) injury in (City, State) Troy, AL on (date) 03/03/2017.
14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum powder product(s) on or about the following date: 1984 and continued the use of talcum powder product(s) through and about the following date: 2017.
15. The Plaintiff purchased talcum powder products in the State(s) of: Alabama.
16. Plaintiff used the following talcum powder products:
 - Johnson & Johnson's Baby Powder
 - Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

- Count I – Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- Count II – Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- Count III – Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)

- Count IV – Products Liability – Strict Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
- Count V – Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- Count VI – Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- Count VII – Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
- Count VIII – Negligence (Against Imerys Talc)
- Count IX – Negligence (Against the Johnson & Johnson Defendants)
- Count X – Negligence (Against PCPC)
- Count XI – Negligent Misrepresentation (Against the Johnson & Johnson Defendants)
- Count XII – Fraud (Against the Johnson & Johnson Defendants)
- Count XIII – Fraud (Against PCPC)
- Count XIV – Violation of State Consumer Protection Laws of the State of Alabama (Against the Johnson & Johnson Defendants)
- Count XV – Fraudulent Concealment (Against Imerys Talc)
- Count XVI – Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- Count XVII – Fraudulent Concealment (Against PCPC)
- Count XVIII – Civil Conspiracy (Against All Defendants)
- Count XIX – Loss of Consortium (Against All Defendants)
- Count XX – Punitive Damages (Against All Defendants)
- Count XXI – Discovery Rule and Tolling (Against All Defendants)

- Count XXII – Wrongful Death (Against All Defendants)
- Count XXIII – Survival Action (Against All Defendants)
- Furthermore, Plaintiff(s) assert(s) the following additional theories and/or

State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) include(s) additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure:

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such other and further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury as to all claims in this action.

Dated: July 6, 2021

Respectfully submitted,

/s/ Morris Dweck
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